

REZONING/SUP/CHANGE IN CONDITIONS
APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Development Planning & Engineering, Inc.</u>	NAME: <u>Shops at Creekside LLC</u>
ADDRESS: <u>5074 Bristol Industrial Way S-A</u>	ADDRESS: <u>5720 Buford Highway, S-301</u>
CITY: <u>Buford</u>	CITY: <u>Norcross</u>
STATE: <u>Georgia</u> ZIP: <u>30518</u>	STATE: <u>Georgia</u> ZIP: <u>30071</u>
PHONE: <u>770.271.2868</u>	PHONE: <u>770.441.9998</u>
CONTACT PERSON: <u>Jimmy Garrison</u> PHONE: <u>770.271.2868 ext 1871</u>	
CONTACT'S E-MAIL: <u>jgarrison@dpengr.com</u>	

APPLICANT IS THE:		
<input checked="checked" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>Mix Cond</u> REQUESTED ZONING DISTRICT: <u>same</u>		
LAND DISTRICT(S): <u>1</u> LAND LOT(S): <u>472 and 484</u> ACREAGE: <u>6.0</u>		
ADDRESS OF PROPERTY: <u>7775 McGinnis Ferry Road</u>		
PROPOSED DEVELOPMENT: <u>Commercial</u>		
CONCURRENT VARIANCES: _____		

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>na</u>	No. of Buildings/Lots: <u>2</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>38,750 square feet</u>
Density: _____	Density: <u>6,458 sq feet/acre</u>

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UPDATED 7/7/2016

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APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE CITY COUNCIL.


Signature of Applicant

02/06/17
Date

James C. Garrison, III, Vice President, Development Planning & Engineering Inc.
Type or Print Name and Title


Signature of Notary Public

02/06/17
Date



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PROPERTY OWNER'S CERTIFICATION


I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Johns Creek, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning, Use Permit, & Concurrent Variance in request of the items indicated below.

I, Shops at Creekside, LLC, authorize, DPE (Development Planning & Engineering, Inc.),
(Property Owner) (Applicant)

to file for Change in Conditions, at 7775 McGinnis Ferry Road
(RZ, SUP, CV) (Address)

on this date February 2, 2017
(Month) (Day)

- I understand that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the City Council.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Johns Creek Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange sign permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.



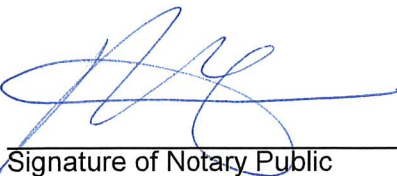
Signature of Property Owner

Feb. 6 / 2017

Date

Hyungho Lee, Partner

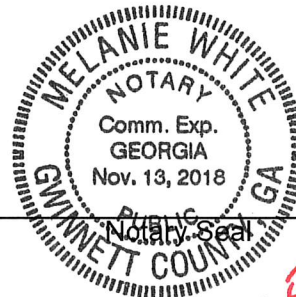
Type or Print Name and Title



Signature of Notary Public

2/6/17

Date



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ZONING IMPACT ANALYSIS FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
This request to change a condition of zoning to allow for an additional right-in only driveway is suitable in the view of the use of adjacent and nearby property.
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
This request to change a condition of zoning to allow for an additional right-in driveway does not adversely affect the existing use or usability of adjacent or nearby property.
3. Does the property to be rezoned have a reasonable economic use as currently zoned?
Yes, the property has a reasonable economic use as currently zoned.
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?
The requested change in conditions to allow for a right-in only driveway will not cause an excessive or burdensome use of streets, utilities, or schools. The additional driveway will remove traffic from McGinnis Ferry Road, not add to the transportation facility.
5. Is the zoning proposal in conformity with the policies and intent of the land use plan?
The requested change in condition does not modify the underlying zoning classification of the property.
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?
The right-in only access has been a request from potential commercial vendors who will occupy the developed space. This driveway will allow vehicles to exit McGinnis Ferry Road directly into the commercial development.
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek?
The requested change in conditions to allow for a right-in only driveway will not have any environmental impact to the natural resources, environment, or citizens of Johns Creek.

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DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

1. CIRCLE ONE: **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)
In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1.	5.
2.	6.
3.	7.
4.	8.

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Hyungho Lee

Signature: [Signature] Date: Feb. 6 / 2017

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DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4);

NO (if NO, complete only point 4)

1. CIRCLE ONE: Party to Petition (If party to petition, complete sections 2, 3 and 4 below)

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Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Jimmy Garrison

Signature: [Signature] Date: 2/06/17

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PUBLIC PARTICIPATION PLAN & REPORT

GENERAL REQUIREMENTS

The Public Participation Plan is to ensure that applicants pursue early and effective public participation in conjunction with their petitions, ensure that the citizens of the City of Johns Creek have an adequate opportunity to learn about petitions that may affect them, and to ensure ongoing communication between applicants, adjoining property owners, environmentally stressed communities, community associations and other organizations, elected officials and City staff. Potentially affected parties should be discussed by the applicant and current planner at the time of the pre-application review. Applicants are required to submit a Public Participation Plan for meeting with interested citizens to advise of pending rezoning/use permit applications and to allow citizens the opportunity to discuss concerns and provide input about project design or development. An applicant's responsibilities are to inform the public, solicit input, and provide a summary of these activities in the form of a written report (Public Participation Report).

The City of Johns Creek will host a Neighborhood meeting for every land use petition, which will count towards the applicant's required public participation plan. The meetings will be held approximately 1 month after the filing deadline. The applicant is required to attend the meeting to present their project to public and answer questions that may arise. The City of Johns Creek will mail a postcard notification to all property owners within ¼ mile to notify them of the neighborhood meeting, the Planning Commission hearing, and the Mayor & City Council hearing. ***While the City of Johns Creek will be hosting a neighborhood meeting for the land use petition, the applicant is welcome to set up additional community meetings to ensure the citizens of the City of Johns Creek have adequate opportunity to participate in the land use petition process. Please note that applicants are highly encouraged to meet with nearby properties prior to filing an application.***

The requirement for a Public Participation Plan does not give communities decision making powers or force a consensus on issues. Applicants are not obligated to make any concessions or changes based upon input from citizens. A refusal by the community to meet with applicants does not mean that the applicants fail to meet the requirements of the Public Participation Plan.

The Public Participation Plan must be filed simultaneously with the application. The Public Participation Report is required to be filed no later than fifteen (15) calendar days prior to the Planning Commission hearing.

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PUBLIC PARTICIPATION PLAN

1. The City of Johns Creek will notify all property owners within a quarter mile of the site. What other groups do you intend to contact?

Since the change in conditions to request a right-in only driveway doesn't impact the surrounding area (land disturbance), we feel that the notification from the City to the surrounding

property owners within a quarter of a mile will be sufficient.

2. How do plan to contact any interested parties, either before making application or after the city neighborhood meeting, regarding the rezoning/use permit application?

If any interested parties request a meeting at or after the public participation meeting, we will schedule one-on-one meetings as appropriate to address their concerns

or answer their questions.

3. In addition to the City of Johns Creek neighborhood meeting, do you plan to provide any other opportunities for discussion with interested parties before the PC and M&CC hearings?

If necessary, additional opportunities will be provided.

4. What is your schedule for completing the Public Participation Plan?

As submitted with this application.

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LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 472, 483 and 484, of the 1st District, 1st Section, Fulton County, City of Johns Creek, Georgia, and being more particularly described as follows:

Commencing at a point at the intersection of the common Land Lot lines of Land Lots 472, 473, 483 and 484; thence along the Southerly line of Land Lot 473 North 89 degrees 30 minutes 50 seconds West a distance of 897.79 feet to a point on the Easterly right-of-way of Bell Road; thence along said right-of-way the following courses and distances. Following a curve to the left, said curve having an arc distance of 133.62 feet and a radius of 1727.81 feet and being subtended by a chord bearing North 08 degrees 30 minutes 46 seconds East a distance of 133.59 feet to a point; thence North 06 degrees 25 minutes 31 seconds East a distance of 617.18 feet to a point; thence following a curve to the right, said curve having an arc distance of 175.92 and a radius of 1526.99 feet and being by a chord bearing North 08 degrees 18 minutes 49 seconds East a distance of 175.82 feet to a point; thence leaving said right-of-way South 89 degrees 15 minutes 56 seconds East a distance of 160.08 feet to a point; thence South 73 degrees 04 minutes 12 seconds East a distance of 79.90 feet to a point; thence North 02 degrees 50 minutes 13 seconds East a distance of 238.19 feet to a point; thence North 76 degrees 07 minutes 06 seconds West a distance of 165.48 feet to a point on the Easterly right-of-way of Bell Road; thence along said right-of-way North 27 degrees 52 minutes 51 seconds East a distance of 750.76 feet to a point; thence leaving said right-of-way South 33 degrees 48 minutes 03 seconds East a distance of 149.44 feet to a point. Said point being THE TRUE POINT OR PLACE OF BEGINNING. Thence North 42 degrees 08 minutes 47 seconds East a distance of 202.47 feet to a point on the Southwesterly right-of-way of McGinnis Ferry Road; thence along said right-of-way the following courses and distances. South 56 degrees 49 minutes 02 seconds East a distance of 110.90 feet to a point; thence following a curve to the right, said curve having an arc distance of 227.16 feet and a radius of 4581.73 and being subtended by a chord bearing South 54 degrees 45 minutes 46 seconds East a distance of 227.14 feet to a point; thence South 53 degrees 11 minutes 13 seconds East a distance of 249.25 feet to a point; thence, leaving said right-of-way South 36 degrees 48 minutes 47 seconds West a distance of 58.11 feet to a point; thence following a curve to the left, said curve having an arc distance of 82.90 feet and a radius of 337.00 feet and being subtended by a chord bearing South 29 degrees 45 minutes 56 seconds West a distance of 82.69 feet to a point; thence following a curve to the left, said curve having an arc distance of 108.45 feet and a radius of 58.00 feet and being subtended by a chord bearing South 23 degrees 10 minutes 37 seconds West a distance of 93.33 feet to a point; thence following a curve to the right, said curve having an arc distance of 132.10 feet and a radius of 336.78 feet and being subtended by a chord bearing South 43 degrees 42 minutes 05 seconds West a distance of 131.25 feet to a point; thence South 58 degrees 46 minutes 38 seconds West a distance of 137.86 feet to a point; thence North 40 degrees 19 minutes 29 seconds West a distance of 43.50 feet to a point; thence North 62 degrees 17 minutes 36 seconds West a distance of 27.56 feet to a point; thence North 86 degrees 27 minutes 08 seconds West a distance of 86.76 feet to a point; thence following a curve to the right, said curve having an arc distance of 33.36

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feet and a radius of 57.00 feet and being subtended by a chord bearing North 69 degrees 41 minutes 08 seconds West a distance of 32.89 feet to a point; thence North 49 degrees 19 minutes 18 seconds West a distance of 62.43 feet to a point; thence following a curve to the right, said curve having an arc distance of 79.89 feet and a radius of 57.00 feet and being subtended by a chord bearing North 09 degrees 03 minutes 39 seconds West a distance of 73.51 feet to a point; thence North 31 degrees 05 minutes 26 seconds East a distance of 21.85 feet to a point; thence North 21 degrees 46 minutes 40 seconds West a distance of 16.20 feet to a point; thence North 02 degrees 11 minutes 56 seconds East a distance of 123.38 feet to a point; thence North 10 degrees 26 minutes 55 seconds West a distance of 60.28 feet to a point; thence North 64 degrees 13 minutes 23 seconds West a distance of 18.22 feet to a point; thence North 42 degrees 58 minutes 14 seconds West a distance of 45.28 feet to a point; thence North 37 degrees 03 minutes 01 seconds West a distance of 54.64 feet to a point; thence North 32 degrees 19 minutes 16 seconds West a distance of 36.02 feet to a point; thence North 34 degrees 14 minutes 04 seconds East a distance of 65.26 feet to THE TURE POINT OR PLACE OF BEGINNING.

Said tract or parcel of land containing 6.000 acres.

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